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December 10, 2004

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TO: Examiner Leigh C. Maier
Group Art Unit 1623
c/o Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CLIENT NO.: 28053
MATTER NO.: 37955
COUNTRY CODE: US
EXTENSION: 836

FAX NO.: 1-703-872-9306

FROM: Jeffrey S. Sharp

PAGES:
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MESSAGE: Please see the following. **URGENT!** Thank you.

Re: U.S. Patent Application Serial No. 10/009,023

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Application No.: 10/009,023

Docket No.: 28053/37955

(See Abstract, Lines 15-18).

Accordingly, the cited references fail to teach that replacing as little as 5% of an individual's daily carbohydrate with resistant starch in combination with replacing at least 10% of an individual's saturated fat intake with unsaturated fat would be successful in achieving the health benefits recited in the claims of the present invention. Accordingly, the rejections over Laughlin et al., either alone or in combination with Watanabe and Garg should be withdrawn and each of claims 1-10 and 26-33 should be allowed.

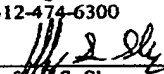
CONCLUSION

For all of the foregoing reasons, the final rejection should now be withdrawn and an notice of allowance of all pending claims is respectfully solicited. Should the Examiner wish to discuss any issues of form or substance in order to expedite allowance of the pending application, she is invited to contact the undersigned attorney at the number indicated below.

Respectfully submitted,

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By:


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